

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,478

IN THE MATTER OF:

Served July 18, 2008

SKY BLUE TOURS, INC., Suspension )	Case No. MP-2008-162
and Investigation of Revocation of )	
Certificate No. 1179 )	

This matter is before the Commission on respondent's response to Order No. 11,424, served June 23, 2008.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."<sup>1</sup> A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.<sup>2</sup>

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 1179 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 1179 was rendered invalid on June 23, 2008, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,424 noted the automatic suspension of Certificate No. 1179 pursuant to Regulation No. 58-12, directed respondent to cease transporting passengers for hire under Certificate No. 1179, and gave respondent thirty days to replace the terminated endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 1179. Respondent submitted a \$5 million primary WMATC Insurance Endorsement on June 27 and paid the late fee on July 9.

Normally the Commission would lift the suspension at this point, but attached to the endorsement is a vehicle list from the insurance company with a single vehicle on it, a 27-passenger Dodge. Respondent has confirmed that this is its only vehicle. Respondent, however, is not authorized to operate vehicles of this size. Certificate No. 1179 contains a seating capacity restriction that constrains respondent's operations to vehicles seating 15 persons or less, including the driver.

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<sup>1</sup> Compact, tit. II, art. XI, § 6(a).

<sup>2</sup> Compact, tit. II, art. XI, § 7(g).

We will give respondent thirty days to show cause why the Commission should not assess a civil forfeiture against respondent, and/or suspend or revoke Certificate No. 1179, for violating the seating capacity restriction.

THEREFORE, IT IS ORDERED:

1. That within thirty days from the date of this order, respondent shall show cause why the Commission should not assess a civil forfeiture and/or suspend or revoke Certificate No. 1179 for respondent's knowing and willful violation of the seating capacity restriction in Certificate No. 1179.

2. That respondent's response shall be supported by any and all documents within respondent's possession, custody or control that relate to respondent's acquisition and operation of the 27-passenger Dodge.

3. That respondent may submit within 15 days from the date of this order a written request for oral hearing, specifying the grounds for the request, describing the evidence to be adduced and explaining why such evidence cannot be adduced without an oral hearing.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read 'W. S. Morrow, Jr.', is written over a horizontal line.

William S. Morrow, Jr.  
Executive Director